

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KERRIC W. LEITZ,

Plaintiff,

vs.

Case No. 11-10203

HON. BERNARD A. FRIEDMAN

MAGISTRATE JUDGE DAVID R. GRAND

MICHAEL ASTRUE,

Defendant.

**OPINION AND ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION, GRANTING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT, DENYING PLAINTIFF'S MOTION FOR REMAND AND AFFIRMING
COMMISSIONER'S DECISION**

This matter is before the Court on Magistrate Judge David R. Grand's Report and Recommendation ("R and R"), dated March 21, 2012. Neither party filed an objection to the R and R.

This Court has had an opportunity to fully review this matter and the parties' filings, and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons. As recommended by Magistrate Judge Grand, the Court finds that 1) there was no error in the Administrative Law Judge's ("ALJ") development of the record; 2) the ALJ was not required to order a consultative examination regarding Plaintiff's depression; 3) the ALJ properly considered Plaintiff's medications' side effects; 4) the ALJ did not err in relying on the vocational expert's responsive testimony regarding the number and types of jobs Plaintiff could perform; and 5) remand to consider new evidence is not warranted.

Accordingly,

IT IS ORDERED that Magistrate Judge David R. Grand's Report and Recommendation dated March 21, 2012, is hereby accepted and adopted.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Remand in Lieu of Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that the decision of the Commissioner is AFFIRMED.

Dated: April 18, 2012
Detroit, Michigan

s/Bernard A. Friedman _____
BERNARD A. FRIEDMAN
UNITED STATES DISTRICT JUDGE